

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

JAMES A. BIGGLEST,)
)
Plaintiff,)
)
v.) CV416-340
)
NANCY A. BERRYHILL, Acting)
Commissioner of Social Security,)
)
Defendant.)

ORDER

Plaintiff filed his Complaint seeking review of a final decision of the Commissioner of Social Security in December 2016. Doc. 1 (removal from Chatham County Superior Court). The parties were served with the Court's General Order in Social Security cases, explaining that plaintiff's opening brief must be filed within 30 days of filing the Administrative Record. Doc. 5. The Commissioner timely answered the Complaint and filed a copy of the Administrative Record in February 2017. Doc. 9.

After a period of inactivity, Bigglest has finally filed his response to this Court's Order. Doc. 10. He asserts that as a result of his military service, he has several mental and physical impairments that prevent

him from successfully working. *Id.* He further contends that the Commissioner failed to fully address his Veterans Administration (VA) medical documents supporting his disability claim in denying him Social Security benefits. *Id.*; *see also* Administrative Transcript at 30-39 (written decision finding plaintiff not disabled after a hearing and consideration of supplemental evidence after the hearing), *id.* at 1-4 (Appeals Council denial), *id.* at 5-27 (VA records and plaintiff's letters submitted in support of request for review by Appeals Council).

The Court, and thus the Commissioner, will construe this response as plaintiff's Opening Brief setting forth his entitlement to judicial review of the Commissioner's denial of benefits. The Commissioner is therefore **ORDERED** to file her responsive brief within 45 days of service of this Order, specifically addressing plaintiff's contention the VA records submitted in support of his disability claim were insufficiently considered by the ALJ and Appeals Council. *See* tr. at 5-27;

SO ORDERED, this 30th day of May, 2017.



UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA